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MEMORANDUM ENDORSED

May 19, 2020

VIA ECF AND FIRST CLASS MAIL

The Honorable Gabriel W. Gorenstein
Chief U.S. Magistrate Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007-1312

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Re: *Alexis Sklair et al. v. Mike Bloomberg 2020, Inc.*, No. 20 Civ. 2495 (LTS) (GWG)

Dear Judge Gorenstein:

We represent Defendant Mike Bloomberg 2020, Inc. (“MB2020”) in the above-referenced action. In accordance with the Court’s Individual Practices, we write with Plaintiffs’ consent to inform the Court that the parties have agreed to an extension of time for MB2020 to answer, move, or otherwise respond to the complaint, as well as a proposed briefing schedule for MB2020’s anticipated motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) and motion to strike pursuant to Fed. R. Civ. P. 23(d)(1)(d).

By way of background, this case was initially assigned to the Honorable Andrew L. Carter, Jr. On April 17, 2020, the Parties filed a Stipulation providing that MB2020 shall have through June 1, 2020 to answer, move, or otherwise respond to the Complaint. (Doc. 10.) In accordance with paragraph 2.A of Judge Carter’s Individual Practices, on May 1, 2020, MB2020 filed a letter motion requesting a pre-motion conference in connection with its anticipated motion to dismiss the Complaint, pursuant to Fed. R. Civ. P. 12(b)(6), and to strike the class allegations, pursuant to Fed. R. Civ. P. 23(d)(1)(d). (Doc. 15.) On May 4, 2020, the case was reassigned to the Hon. Laura Taylor Swain and, on May 5, 2020, Judge Swain issued an Order referring the case to Your Honor for General Pretrial purposes, including scheduling, discovery, non-dispositive pretrial motions and settlement. (Doc. 16.)

Upon reassignment of the case to Judge Swain, and in accordance with paragraph 2.b.i of her Individual Practices, on May 4, 2020, MB2020 sent Plaintiffs its pre-motion letter which sets forth the legal and factual positions for the anticipated motion. On May 11, 2020, Plaintiffs responded in writing to MB2020’s letter motion. The parties participated in a telephonic meet-and-confer on May 15, 2020, in which they discussed their respective positions concerning MB2020’s anticipated motion. During the meet and confer, Plaintiffs advised, pursuant to paragraph 2.b.i(2) of Judge Swain’s Individual Practices, that they did not intend to file an amended complaint prior to motion practice and declined MB2020’s offer to stipulate to an amendment. Plaintiffs reserved their right to amend the complaint as of right after MB2020 files its motion, citing Fed. R. Civ. P. 15(a)(1)(B) and paragraph 2.b.ii of Judge Swain’s Individual Practices.

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Following the meet and confer, the Parties agreed to the following schedule:

- Plaintiffs have consented to MB2020's request for an extension of time to answer, move, or otherwise respond to the Complaint, from June 1, 2020 to June 15, 2020. MB2020 will file its motion by June 15, 2020. This extension of time for MB2020 to respond to the Complaint will not affect any other deadlines.
- In accordance with paragraph 2.b.ii of Judge Swain's Individual Practices, by June 22, 2020, Plaintiffs shall notify MB2020 by letter, filed on the ECF System, with a courtesy copy to the Court, of their intent to amend the complaint as of right or state that they will oppose the motion without further amendment.
- If Plaintiffs do not amend the complaint as of right following MB2020's anticipated motion, Plaintiffs shall file their response to the motion by July 31, 2020 and MB2020 shall file its reply by August 14, 2020.

We thank the Court for its attention to this matter.

Respectfully submitted,

/s/ *Elise M. Bloom*

Elise M. Bloom

cc: All Counsel of Record (via ECF)

The proposed schedule is approved. The parties are reminded that the motion is returnable before Judge Swain and must comply with her Individual Practices.
So Ordered.

Dated: May 19, 2020



GABRIEL W. GORENSTEIN
United States Magistrate Judge